

PUBLIC NOTICE

PUBLIC NOTICE OF A DRAFT NPDES PERMIT TO DISCHARGE INTO WATERS OF THE UNITED STATES

U.S. Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 353-2124

Public Notice No.: 08-08-02-A

Public Notice Issued On: August 29, 2008

Comment period ends: September 29, 2008

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Permit No.: WI-0049727-2 (REISSUANCE)

Application No.: WI-0049727-2

Name and Address of Applicant:

Red Cliff Water and Sewer Department
Red Cliff Band of Lake Superior Chippewa
88385 Pike Road
Bayfield, Wisconsin 54814

**Name and Address of Facility
Where Discharge Occurs:**

Red Cliff Band WWTF
Blueberry Road, Red Cliff Indian
Reservation
Red Cliff, Wisconsin
Bayfield County
(SW 1/4 of the SE 1/4 of Sec. 30, T51N, R3W)

Receiving Water: Lake Superior

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above named applicant has applied for an NPDES Permit to discharge into the designated receiving water. The facility is located within the exterior boundaries of the Red Cliff Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The treatment facility has pre-treatment consisting of a bar grate, fine screen, and grit removal. The main treatment is by oxidation ditch with alum addition for phosphorus removal and two final clarifiers. Disinfection is by ultraviolet lights. Sludge is wasted to an aerobic digester and then transferred to a Reed Bed storage system. It is not expected that sludge will have to be used or disposed during the term of this permit.

The facility has a continuous discharge {Outfall 001 (N. 1/2 of the N.E. 1/4 of Section 31, T51N, R3W)} to Lake Superior. The outfall extends 350 feet from shore in 25 feet deep water. The

Red Cliff Band WWTF is designed to treat an average influent flow of 220,000 gallons per day. The draft permit requires the applicant to meet the following effluent limitations:

Continuous Discharge Limitations

<u>Limitations and Monitoring Requirements</u>		
<u>Parameter</u>	<u>30-Day Average</u>	<u>7-Day Average</u>
BOD ₅	30 mg/L	45 mg/L
TSS	30 mg/L	45 mg/L
Total Phosphorus	1 mg/L	N/A
Total Mercury	1.3 ng/L	N/A
E. coli	126 E. coli/100 ml	N/A
pH	6 S.U. (Minimum) 9 S.U.(Maximum)	

The permit also requires monitoring for Ammonia Nitrogen (NH₃-N) and whole effluent toxicity, compliance with 40 CFR Part 503 when sludge is used or disposed, and 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee's facility. These limits are consistent with federal regulations and are also intended to be protective of Wisconsin water quality standards where they are applicable.

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the Clean Water Act. Clean Water Act Section 401 certification is not needed from the state or the tribe as neither has water quality standards applicable to the receiving water at the point of discharge.

ESA and NHPA COMPLIANCE

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. Since this is an existing facility with no new planned expansion or construction expected within the permit term, it is believed that the reissuance of the permit and the continued operation of the facility will have no effect on endangered or threatened species or their critical habitat and will have no impact to historical, archeological, or cultural resources.

TENTATIVE DETERMINATION

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to reissue a permit for the discharge from the Red Cliff Band Wastewater Treatment Facility subject to certain effluent limitations and

special conditions.

COMMENT PROCEDURES and PUBLIC HEARING

The determination to issue the NPDES permits is tentative. EPA's comment and public hearing procedures may be found at 40 CFR 124.10, 124.11, 124.12, and 124.13. The following is a summary of those procedures:

1. The comment period during which written comments on the draft permits may be submitted extends to September 29, 2008.
2. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. The last day for filing a request for public hearing is September 29, 2008.
3. In appropriate cases, including those where there is significant public interest, the EPA Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for this permit. Public notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons on the EPA mailing list at least 30 days prior to the hearing.
4. All comments received later than September 29, 2008, may be considered in the formulation of final determinations.
5. Written comments or requests for a public hearing must be delivered or mailed to:
John A. Colletti, U.S. Environmental Protection Agency, Region 5, NPDES Programs
Branch - WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604

The application and Public Notice numbers should appear next to the EPA address on the envelope and on each page of any submitted comments. It is important that all viewpoints are considered before taking action. Therefore, we greatly appreciate your time and effort in participating in the public participation process. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator's final permit decision, any person who filed comments on the draft permits or participated in a public hearing, if held, may petition the Environmental Appeals Board to review any condition of the permit decision. The petition should be sent to the following address: Environmental Appeals Board, MC 1103B, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

AVAILABILITY OF DOCUMENTS

The application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record, are available for inspection and may be copied at a cost of 15 cents per page at the Chicago Regional offices of the Environmental Protection Agency anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday. You may also view the public notice, statement of basis, and draft permit on Region 5's website at "<http://www.epa.gov/region5/water/npdestek/notices.htm>". All data submitted by the applicant is available as part of the administrative record. For more information, please contact John Colletti at (312) 886-6106 or by e-mail at 'colletti.john@epa.gov'.

Please bring the foregoing to the attention of anyone you know that would be interested in this matter.